



Department of Toxic Substances Control Update

**SAM Fall Forum
San Diego, CA
September 20, 2012**

**John Scandura, Branch Chief
Brownfields & Environmental Restoration
Program
Department of Toxic Substances Control
Cypress Office**



Topics

- Hazardous Waste Management Program Reorganization
- Green Chemistry Update
- Impact of Redevelopment Agency Demise on Brownfields Cleanups



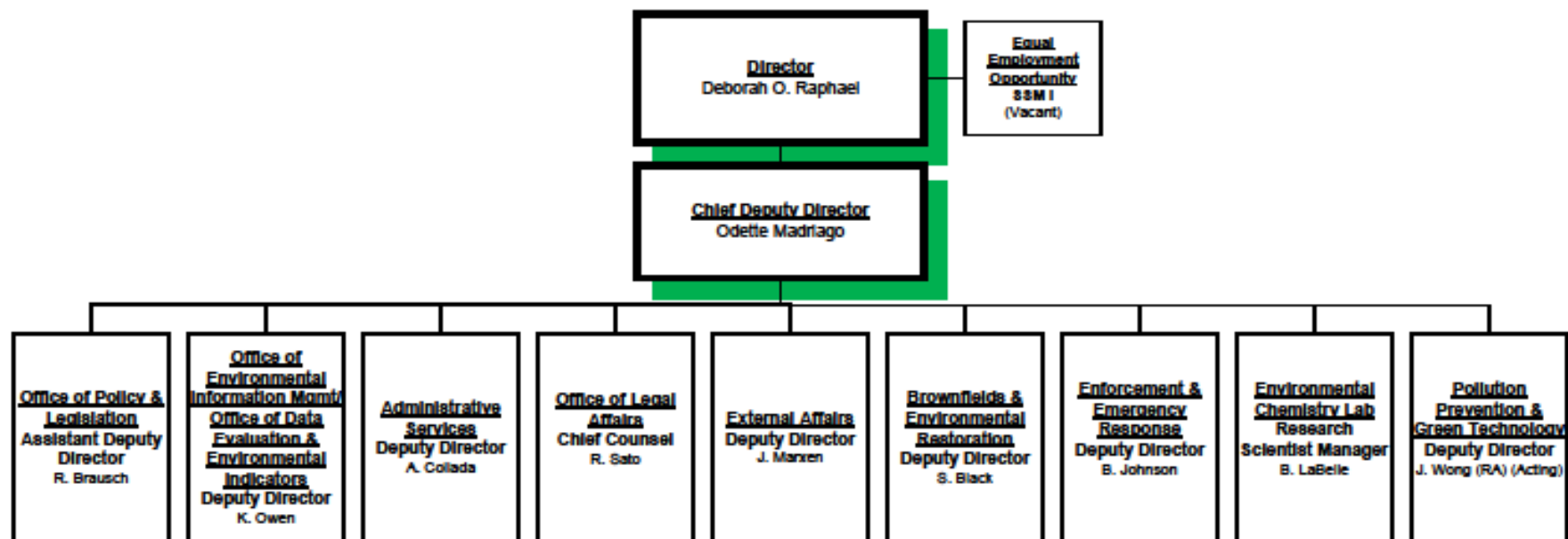
Key Managers



- Debbie Raphael, Director
- Odette Madriago, Chief Deputy
- Stewart Black, Deputy, Site Cleanup
- Andrew Collada, Deputy, Administration
- Brian Johnson, Deputy, Hazardous Waste



**Department of Toxic
Substances Control**





Hazardous Waste Program Activities

■ World Café Found

- Lack decision priorities, processes, roles, responsibilities
- Decision making disseminated across several programs.
- Difficulty obtaining guidance and answers.
- Policy and regulatory functions disjointed, lacking ownership.
- Lack process to memorialize, ensure consistent policy decisions and interpretation.
- Partnership with local district attorneys needs improvement.



Hazardous Waste Program Reorganization

- House Following in Single Program
 - Enforcement
 - Permitting
 - Hazardous waste policy development, interpretation, and implementation activities
- Enforcement Includes RCRA, Chapter 6.5, and Safer Consumer Products regulations
- CUPA Programs and Coordination



Hazardous Waste Program Functions

- Issue Permits
- Inspections
- Enforcement
- Waste classification and recycling
- Variances
- Permit appeals
- Fee program
- Authorization requirements for generators, facilities, transporters, certified appliance recyclers, tiered permit units, transportable treatment units
- Treatment standards for HW disposal
- Extended producer responsibility (EPR) programs/requirements for products that become HW
- Disclosure statements for HW facilities
- RCRA Grant
- CUPA Program for Imperial and Trinity Counties



Hazardous Waste Program Reorganization

- Brian Johnson named Deputy Director
- Next Steps
 - Securing administrative approvals
 - Corrective action oversight to be decided by HWM and BERP deputies
 - Technical support staff housed in BERP
 - Legal office, criminal investigations reports to Chief Legal Counsel



Brownfields and Environmental Restoration Program

- RCRA Corrective Action Sites
- Tiered Permit Corrective Action Sites
- State Superfund Sites
- Military Facilities
- Legacy Landfills
- NPL Sites
- School Sites
- Brownfields Sites
- Authorizes Tier II CUPA



Tier II Certified Unified Program Agencies (CUPA)

- Oversee environmental assessments and corrective action at sites with
 - Soil and groundwater contamination
 - Risk Assessment required
- DTSC Approves Applications
 - Personnel and Experience
 - Program Capabilities



Tier II CUPA's

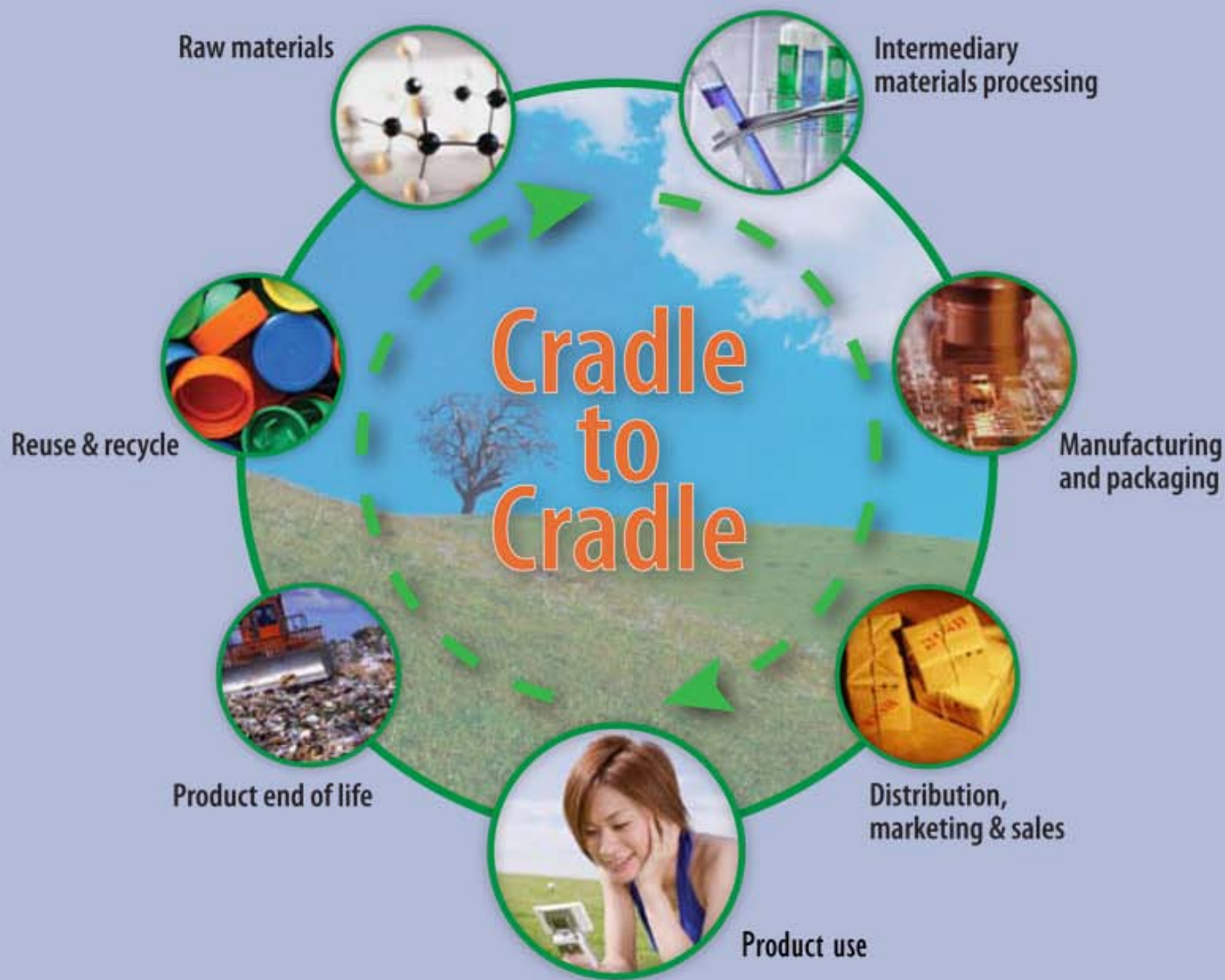
- Authorized

- Los Angeles County
- Merced County
- Ventura County
- San Mateo County

- Applications Submitted

- San Diego County
- Sacramento County
- Orange County

Green Chemistry Update





Green Chemistry Regulatory Concept

- DTSC identifies chemicals of concern (COC)
- DTSC evaluates product and COC combinations, develops Priority Products list
- Manufacturers perform alternatives assessment of priority products
- DTSC identifies regulatory response action



Green Chemistry Regulations Update

- Revised draft regulations released for public review, ends October 11, 2012
- 1200 chemicals of concern (COC) instead of prior 3000
- Clarifies how and when priority products will be listed
 - No more than 5 product-COC combinations
 - Toxicity and exposure criteria
 - Priority Product workplan in January 2014
 - Petition process to add or remove chemicals
 - Removes mandate for how frequently DTSC reviews COC list



Green Chemistry Regulations Update

- Changes alternatives analysis threshold
- Modifies how alternatives analysis performed
- Clearer guidelines on performing regulatory actions
- Threshold for performing alternatives analyses for COC's and priority Product.
- Refinements to alternatives analyses
- Historic and second-hand products excluded from "consumer product" or "product" definition.



Brownfield Development Post Redevelopment Agency

- RDA's authorization ceased February 1, 2012
- RDA's Polanco Act Sites
 - Existing Polanco Act sites still in effect
 - Immunity to RDA's and subsequent owners
 - Signed Environmental Oversight Agreements (EOAs) with DTSC and Water Boards
- DTSC and Water Board working with local agencies & stakeholders on path forward



Options Available to Cleanup Brownfields

- Voluntary Cleanup Agreements with local authorities.
- CLRRA agreements with local authorities, prospective purchasers
- Comfort letters to prospective purchasers



Brownfield Cleanup Resources Still Available

- DTSC Revolving Loan Fund
 - Provide gap financing for cleanup activities
 - Low interest loans and grants available
- Clean Loan Program
 - Low interest loans for site investigations and cleanup activities
- Targeted Site Investigation Program
 - Grants up to \$75,000 for site assessments
 - Local agencies, school districts, non-profits



Thank You
